

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION**

RAKIEM HENDERSON STUCKEY,

Plaintiff,

vs.

**BOWIE COUNTY CORRECTIONAL
CENTER, ET AL.,**

Defendants.

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CASE NO. 5:24-CV-81

ORDER

Plaintiff Rakiem Henderson Stuckey, proceeding *pro se*, filed this suit alleging deprivations of his constitutional rights. The case was referred to the United States Magistrate Judge in accordance with 28 U.S.C. § 636.

On August 20, 2024, the Magistrate Judge issued a report recommending that the lawsuit be dismissed without prejudice for failure to prosecute. Docket No. 5. Specifically, Plaintiff failed to advise the Court of his current mailing address.¹ *Id.* at 1; *see* Docket No. 2. As noted in the report, the online records of Bowie County show that Plaintiff was released from the Bowie County Correctional Center, his last known address, on July 26, 2024. Docket No. 5 at 1. A copy of the report was sent to that address but was returned as undeliverable. Docket No. 6.

¹The complaint form filed by Plaintiff contains a declaration reading “I understand, if I am released or transferred, it is my responsibility to keep the court informed of my current mailing address and failure to do so may result in the dismissal of this lawsuit.” Docket No. 1 at 5. In addition, Local Rule CV-11(d) of the Local Rules of Court for the Eastern District of Texas requires that *pro se* litigants must provide the Court with a physical address and is responsible for keeping the Clerk of Court advised in writing of his current physical address.

Because no objections have been received, Plaintiff is barred from *de novo* review by the District Judge of those findings, conclusions, and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to factual findings and legal conclusions accepted and adopted by the District Court. *Duarte v. City of Lewisville*, 858 F.3d 348, 352 (5th Cir. 2017).

The Court has reviewed the pleadings in this cause and the Report of the Magistrate Judge. Upon such review, the Court has determined that the Report of the Magistrate Judge is correct. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir.), *cert. denied*, 492 U.S. 918 (1989) (where no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law"). It is accordingly

ORDERED that the report of the Magistrate Judge (Docket No. 5) is **ADOPTED** as the opinion of the District Court. It is further

ORDERED that the above-styled civil action is **DISMISSED WITHOUT PREJUDICE** for failure to prosecute. It is further

ORDERED that any pending motions in this action are **DENIED AS MOOT**.

So ORDERED and SIGNED this 12th day of September, 2024.


ROBERT W. SCHROEDER III
UNITED STATES DISTRICT JUDGE